

# **Fiscal Services Division**

## **Legislative Services Agency**

### **Fiscal Note**

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HF 796 - Alcohol Possession by Under Age Person on Certain Property (LSB 2411 HV)  
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Fiscal Note Version - New

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#### **Description**

House File 796 relates to the possession or consumption of an alcoholic beverage by an under legal age person on certain property. A person of legal age who is the owner, lessee or is otherwise in control of the property, and who permits under legal age consumption or possession commits a serious misdemeanor punishable by a minimum fine of \$500. The Judicial Branch, for the first offense by a person under legal age, may suspend the payment of a scheduled fine and order the person under legal age to receive a substance abuse evaluation by a program licensed to provide services pursuant to Chapter 125.13, Code of Iowa.

#### **Background**

- In FY 2006, there were 5,885 convictions for underage possession of alcohol in the adult court and 239 adjudications in juvenile court.
- In FY 2006, there were 5,703 offenders convicted of underage possession of alcohol. (One offender can have multiple convictions.) Of this amount, 5,507 were for first offense possession, 171 were for second offense possession, and 25 were for third offense possession.
- In FY 2006, there were 290 convictions for supplying alcohol to a minor where the offender was 21 years of age or older, 147 convictions for being under 21 years of age and supplying alcohol to a minor, and two adjudications in juvenile court for the under 21 age provision.
- The cost for a substance abuse evaluation is \$125.
- There are 110 licensed substance abuse providers in the State.
- The Department of Public Health receives money from the Healthy Iowans Tobacco Trust (HITT) for substance abuse evaluations.
- In FY 2006, the Department of Public Health and licensed substance abuse providers conducted 9,572 substance abuse evaluations, of which, 40.0% (3,810) were related to underage drinking.

#### **Assumptions**

- The average State costs for one serious misdemeanor conviction range from \$110 (court costs) to \$3,300 (court costs, jury trial, indigent defense, and prison).
- Assumes that 50.0% of the offenders convicted for a first offense underage possession of alcohol would receive a court-ordered substance abuse evaluation in lieu of the fine.
- Assumes that 25.0% of the court-ordered substance abuse evaluations will be covered by the under age person's parent's insurance.

### **Correctional Impact**

Although HF 796 proposes to make the language even more specific in terms of including certain property, it is not known how many additional charges could be filed for actions that were previously exempt.

The correctional impact of first offense under legal age possession of alcohol offenders who would receive a court-ordered substance abuse evaluation instead of a simple misdemeanor scheduled violation is estimated to be approximately 2,754 people.

### **Fiscal Impact**

The fiscal impact for providing substance abuse evaluations is estimated to be approximately \$258,000.

### **Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Judicial Branch  
State Public Defender  
Department of Public Health

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/s/ Holly M. Lyons

March 20, 2007

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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